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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	John E. Kast et al.
Docket No.:	151P08970US02
Filed:	Herewith
Title:	IMPLANTABLE MEDICAL DEVICE WITH EXTERNAL RECHARGING COIL

Cover Letter for Declaration

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Dear Sir:

The enclosed copy of the declaration was executed for the previously filed Application No. 09/596,566, but is being submitted as a copy for the continuation application filed herewith.

In addition, the specification and drawings submitted for the continuation application do not contain any subject matter that would have been new matter in the previous application.

Respectfully submitted,

JOHN E. KAST ET AL.

Date: February 5, 2004

By: William D. Bauer

William D. Bauer
Reg. No. 28,052
IPLM Group, P.A.
P.O. Box 18455
Minneapolis, MN 55418
Telephone: (612) 331-7405

WDB:nr

ATTORNEY DOCKET: P- 8970.00

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **IMPLANTABLE MEDICAL DEVICE WITH EXTERNAL RECHARGING COIL**

The specification of which

a. _____ is attached hereto

b. X was filed on JUNE 19, 2000 as application serial no. _____ and was amended on _____ (if applicable) (in the case of a PCT-filed application) described and claimed in international no. _____ filed _____ and as amended on _____ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).¹

I hereby claim foreign priority benefits under Title 35, United States Code, §119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a. X no such applications have been filed.

b. _____ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC §119

COUNTRY	APPLICATION NUMBER	DATE OF FILING	DATE OF ISSUE

ALL FOREIGN APPLICATIONS, IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)

COUNTRY	APPLICATION NUMBER	DATE OF FILING	DATE OF ISSUE

I hereby claim the benefit under Title 35, United States Code, §1120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §156(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

¹ § 1.56 Duty of disclosure; fraud, striking or rejection of applications.

(a) A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the examination of the application. Such information is material where there is substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

(DECLARATION AND POWER OF ATTORNEY

Page 1 of 2

U.S. APPLICATION NUMBER	DATE OF FILING	STATUS (patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Harold R. Patton Reg. No. 22,157
 Michael J. Jaro Reg. No. 34,472
 Curtis D. Kinghorn Reg. No. 33,926
 Kenneth J. Collier Reg. No. 34,982

Beth L. McMahon Reg. No. 41,987
 Daniel W. Latham Reg. No. 30,401
 Thomas F. Woods Reg. No. 36,726

Thomas G. Barry Reg. No. 31,736
 Girma Wolde-Michael Reg. No. 36,724
 Eric R. Waldkoetter Reg. No. 36,713

Please direct all correspondence in this case to: Medtronic, Inc.
 7000 Central Avenue N.E.,
 Minneapolis, Minnesota 55432
 Telephone No. (763) 514-3201

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2 0 1	Full Name of Inventor	FIRST NAME John	MIDDLE INITIAL E.	LAST NAME Kast
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SIGNATURE OF INVENTOR 203				DATE 10-4-00

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SIGNATURE OF INVENTOR 205				DATE

— Additional pages for fourth and subsequent inventors attached.

☒ This Declaration ends with this page.

FEB. 5, 2004
Oct. 6, 2000

3:50PM
2:49PM

MEDTRONIC LAW DEPT
MEDTRONIC, INC. NEURO

NO. 9434 P. 6
No. 5068 P. 4/4

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SIGNATURE OF INVENTOR 204				DATE
2 0 5	Full Name of Inventor	FIRST NAME Mark	MIDDLE INITIAL E	LAST NAME Schommer
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SIGNATURE OF INVENTOR 205 <i>Mark E Schommer</i>				DATE 10/6/2000

— Additional pages for fourth and subsequent inventors attached.

☒ This Declaration ends with this page.